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2 *E-Filed 11/6/12*
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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6 SAN FRANCISCO DIVISION

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8 DARRYL BURGHARDT,
9 Plaintiff,

No. C 12-5190 RS (PR)

10 v.
11 J. FRANZ, et al.,
12 Defendants.

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14 This is a federal civil rights action filed pursuant to 42 U.S.C. § 1983 by a *pro se* state
15 prisoner. By order of the Court, plaintiff was granted 30 days (1) to file a complete
16 application to proceed *in forma pauperis* ("IFP"), or (2) to pay the filing fee of \$350.00, or
17 face dismissal of the action. More than 30 days have passed since the order was filed, and
18 plaintiff has not filed a complete IFP application, nor paid the filing fee. The IFP application
19 lacks a Certificate of Funds signed by an authorized prison officer, and a prison trust account
20 statement showing transactions for the last six months. Accordingly, the action is
21 DISMISSED without prejudice. Any motion to reopen the action must contain (1) the two
22 IFP documents listed above, or (2) payment for the entire filing fee of \$350.00. Plaintiff's
23 IFP motion (Docket No. 5) is DENIED as insufficient. The Clerk shall enter terminate
24 Docket No. 5, enter judgment in favor of defendants, and close the file.

25 IT IS SO ORDERED.

26 DATED: November 6, 2012



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28 RICHARD SEEBORG
United States District Judge